

FIRST APPEAL No 2371 of 1998

MR. JUSTICE M.H.KADRI

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5. Whether it is to be circulated to the Civil Judge?
- No

MINAXIBEN H PATEL

MR MAULIN R RAVAL for Petitioner
HL PATEL ADVOCATES for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL and
MR.JUSTICE M.H.KADRI

Date of decision: 23/02/99

ORAL JUDGEMENT

(Per : Panchal, J.):

Admitted. Mr. Hasim Pandya, learned Counsel waives service of notice on behalf of the respondent. At the joint request of learned advocates appearing for the parties, appeal is taken-up for final hearing today.

By means of filing this appeal under section 411 of the Bombay Provincial Municipal Corporations Act, 1949, the appellant has challenged legality and propriety of order dated March 25, 1998 rendered by the learned Judge, Small Causes Court, Ahmedabad, below Exh.5 in Municipal Valuation Appeal No. 47/98 by which interim relief which was claimed by the respondent is granted till the disposal of the appeal on condition that the respondent deposits Rs. 1200/- on or before March 31, 1998, failing which liberty is reserved to the appellant to initiate proceedings for recovery of tax.

Learned Counsel for the parties have prayed that reasons may not be recorded by the Court while passing order in this appeal.

Learned Counsel for the respondent states at the Bar that the respondent shall deposit 75% amount of the Bill No. 136, dated 9.9.1997 issued by the Corporation in the Small Causes Court, Ahmedabad within 15 days from today. In view of the statement made by the learned Counsel for the respondent, the impugned order is set aside. It is directed that the learned Judge, Small Causes Court, Ahmedabad shall hear the appeal on merits and in accordance with law without being influenced by this order after deposit of the amount as stated earlier is made. The learned Judge, Small Causes Court shall endeavour to dispose of the appeal as early as possible and preferably within one month from the date of deposit of the amount of tax. The appeal is accordingly allowed, with no order as to costs.

(patel)